

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

HODELL-NATCO INDUSTRIES, INC., )

Plaintiff, )

v. )

SAP AMERICA, INC., et al., )

Defendants. )

Case No. 1:08-CV-02755

VIDEOTAPED/VIDEOCONFERENCE DEPOSITION OF

UDI ZIV

TEL AVIV, ISRAEL

JUNE 25, 2012

REPORTED BY: BRENDA MATZOV, CA CSR NO. 9243

Videotaped/videoconference deposition of UDI  
ZIV, taken in the above-entitled cause pending in the  
United States District Court, for the Northern District  
of Ohio, Eastern Division, pursuant to notice, before  
BRENDA MATZOV, CA CSR 9243, at Gross, Kleinhendler,  
Hodak, Halevy, Greenberg & Co., 1 Azrieli Center, Round  
Tower, 39th Floor, Tel Aviv, Israel (and simultaneously  
in Cleveland, Ohio and Philadelphia, Pennsylvania), on  
Monday, the 25th day of June, 2012, at 5:18 p.m.

APPEARANCES:

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8 ALSO PRESENT:

9 DORON MATZOV, Videographer

10 DANIEL GAMULKA, Advocate (in Israel)

11 KEVIN REIDL, Hodell-Natco (in Ohio)

12 WILLIAM REX, Hodell-Natco (in Ohio)

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1 Q. Yes.

2 A. Nice is built out of three divisions or  
3 groups. I'm responsible for one of them, which is  
4 selling to -- mainly to contact centers and trading  
5 floors, mainly voice recording systems, speech analytic  
6 systems, workforce management, workforce optimization,  
7 and other similar systems. I'm responsible for  
8 strategy, products. That's basically it.

9 Q. Are you a shareholder at Nice?

10 A. Only via employee options.

11 Q. Okay. Who did you work for prior to Nice?

12 A. I was a -- long history. Top Tier Software,  
13 which was acquired by SAP in 2001. And then for SAP  
14 until 2007. I was self-employed for about a year and  
15 a half and then joined Nice on [sic] November of '08.

16 Q. What part of -- what month in 2007 did you  
17 leave SAP?

18 A. I think my employ -- employment ended on [sic]  
19 October, if I recall correctly. I left my position  
20 a few months before. I don't recall exactly the date.

21 Q. What was your -- your position with SAP while  
22 you were there?

23 A. I had two roles, basically. One was  
24 the general manager of SAP Labs in Israel, which is  
25 a development or R&D lab for SAP. And the other is

1 the general manager of what was called Small Business  
2 Solutions for SAP. The latter was I think since 2004,  
3 if I recall correctly, until 2007. I'm not sure about  
4 the dates.

5 Q. And I'm sorry. Who did you work for prior  
6 to SAP?

7 A. All the way from beginning of history? Top  
8 Tier Software from --

9 Q. No.

10 A. No? Just before?

11 Q. Just immediately prior.

12 A. Prior to SAP? Top Tier Soft --

13 Q. Yeah.

14 A. Top Tier Software, which was acquired by SAP.

15 Q. Top --

16 A. Top Tier.

17 Q. Okay.

18 A. T-o-p, T-i-e-r.

19 Q. Is that the same company -- I've seen the  
20 name TopManage software.

21 Is that the same thing?

22 A. No. Different company.

23 Q. What's TopManage?

24 A. TopManage --

25 Q. What is TopManage?

1           A.    TopManage was a company SAP acquired -- I  
2    don't recall when -- after 2001 for sure, which was --  
3    the main product of that company was called Menahel,  
4    which is -- turned to be business -- SAP Business  
5    One after the acquisition.

6           Q.    Okay. Did you have any participation or  
7    involvement in the sale of -- of TopManage to SAP  
8    business -- or SAP?

9           A.    No.

10          Q.    Were you employed by SAP when it was -- when  
11   TopManage was acquired by SAP?

12          A.    Yes, I was.

13          Q.    Did you have any role in reviewing the --  
14   what was the name -- strike that.

15                What was the name of the software -- of SAP  
16   Business One prior to its acquisition by SAP?

17          A.    The Hebrew name was Menahel. I don't know  
18   how to spell it in -- M-e-n-a -- M-e-n-a-h-e-l, I guess.  
19   I think the English name was TopManage, but I'm not  
20   sure.

21          Q.    Okay. And did you have any role in reviewing  
22   the TopManage software when it was being acquired by  
23   SAP?

24          A.    I don't recall that I did.

25          Q.    Do you know why SAP wanted to buy TopManage?

1 (Court reporter clarification.)

2 THE WITNESS: I -- I didn't hear, Greg, what  
3 you said. Sorry.

4 MR. STAR: I just made an objection to the  
5 question. But you can go ahead and answer it, if you  
6 understand it.

7 THE WITNESS: No, I don't know.

8 MR. STAR: You'll hear me do that from time  
9 to time.

10 THE WITNESS: Yeah. Okay.

11 No, I just -- I'm not sure I understand what  
12 "capacity" is. So if you can be clear.

13 Q. BY MR. LAMBERT: Do you -- at the time  
14 TopManage was acquired by SAP, did you have an  
15 understanding as to the maximum number of current --  
16 of concurrent users the software could support?

17 A. No, I did not.

18 Q. Okay. How about transaction volume, same  
19 question?

20 A. No. No knowledge.

21 Q. In your job duties with SAP, did you have  
22 any responsibility for overseeing marketing?

23 A. No.

24 Q. How about development efforts?

25 A. Yes.

1 Q. For what products?

2 A. For the first few months of my employment by  
3 SAP of the -- what was called the SAP Portal. And then  
4 from 2004, some -- sometime in 2004, for the Business  
5 One product and for another product we code-named  
6 Cyprus, which was -- never went to -- never went live.

7 Q. Okay. What was the -- what was Cyprus going  
8 to be used as?

9 MR. STAR: Objection.

10 You can go ahead and answer.

11 THE WITNESS: Okay. Cyprus was a -- a very  
12 small business package, targeting almost [sic] home  
13 offices, few employees.

14 Q. BY MR. LAMBERT: Why did it never go live?

15 A. I don't know. I left the company before it  
16 did, and I think it never materialized.

17 Q. During what time periods were you -- I guess  
18 for lack of a better word -- involved with SAP Business  
19 One?

20 A. Sometime in 2004 until I left my role, which  
21 was sometime in 2007.

22 Q. Why did you leave SAP?

23 A. Personal decision to go do other things.

24 Q. Did you have any dispute or anything with SAP  
25 that occasioned your departure?



1 the purpose was to see that the product was doing  
2 what it was supposed to do.

3 Q. I'm sorry. I didn't hear the last part of  
4 your answer.

5 A. The last part was --

6 Q. The purpose?

7 A. -- was to see or check that the product is  
8 doing what it's supposed to be doing.

9 Q. Okay. Backing up a second, what city in  
10 Israel was your office located in?

11 A. The city is called Ra'anana, R-a-a-n-a-n-a.

12 Q. That's where your office was when you were  
13 with SAP?

14 A. Correct.

15 Q. Do you recall the street?

16 A. I don't.

17 Q. After the testing was -- was completed, how  
18 were the results communicated through SAP? Or were  
19 they?

20 A. I don't know. Mostly they were used  
21 internally for the development groups. But I don't  
22 know if and how it was communicated outside.

23 Q. Were the test results reported back to you  
24 at any point in time?

25 A. I assume they were, although I don't recall.

1           It's -- as I said in the beginning, one of  
2 my roles was the general manager of the Small Business  
3 Solutions for SAP, which have Business One and, as  
4 I said, code name Cyprus under -- from a product  
5 perspective, under their organization's responsibility.

6           So when I say "SBS" or "Small Business  
7 Solutions," I mean the organization that I managed.

8           Q.    Okay. And Business One was the only live  
9 piece of software that was encompassed within Small  
10 Business Solutions during your employment?

11          A.    The only product that was generally avail --  
12 available. Yes.

13          Q.    Okay. Is it fair to say that most of your  
14 job responsibilities centered on the deployment of  
15 SAP Business One?

16          A.    No. My -- my main responsibility was on  
17 development of the product, not deployment of the  
18 product. And, also, as -- as usually is the case  
19 with newer products, it's -- a significant amount  
20 of my time was on the new product code-named Cyprus.

21          So it was a mix of the two. But not deployment, but  
22 rather development.

23          Q.    I'm sorry. I misspoke. But -- well, strike  
24 that.

25          When did -- when did Cyprus go into the --